



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV - 5 2009

Mr. Austin D. Check
P.O. Box 3271
Meridian, Mississippi 39303

Dear Mr. Check:

Thank you for your October 20, 2009, letter in which you express concern that your previous correspondence dated April 16, 2009, was not filed as an official complaint with the U.S. Environmental Protection Agency (EPA). You requested an explanation as to why your letter was instead given a classification of "external correspondence."

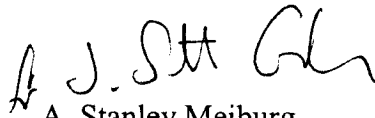
Please be assured that all citizen concerns and complaints are taken very seriously. Upon receipt, correspondence such as the letter you submitted is entered into an electronic database known as the Correspondence Management System (CMS), assigned a tracking number, and forwarded to appropriate staff for review. The concern or complaint is thereafter referred to as "controlled correspondence" and monitored for completion of a response back to the citizen. EPA Region 4 does not separate letters from citizens into different classifications. Therefore, in accordance with Agency policy and procedures, your April 16, 2009, letter was entered into CMS and assigned to the Water Protection Division with tracking number R4-09-000-5805-RA.

Regarding the response, you state that you did not receive a reply for two months. Due to the large volume of information that you submitted, a significant amount of time was required by the staff to conduct a thorough review and prepare a comprehensive response. An interim response (copy enclosed) was sent to you on May 4, 2009, to inform you of the review status. The final response to address your concerns (copy enclosed) was sent to you on June 10, 2009.

As an alternative to the above procedures, EPA has an online database that can be used to report environmental violations. This database can be accessed at www.epa.gov/region4 by clicking on the "Report an Environmental Violation" button located near the top of the page. The information submitted is forwarded to EPA enforcement personnel or to the appropriate regulatory authority to determine if an investigation is warranted.

We hope the above information is helpful to you. If EPA may be of further assistance in this matter, please contact the Office of External Affairs at 404-562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Stanley Meiburg". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'A'.

A. Stanley Meiburg
Acting Regional Administrator

Enclosures



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MAY 4 2009

Mr. Austin D. Check
Post Office Box 3271
Meridian, Mississippi 39303

Dear Mr. Check:

Thank you for your April 16, 2009, letter concerning the impairment of Sowashee Creek from Sanitary Sewer Overflows and other sources noted in your letter.

The information you provided is currently being reviewed by EPA staff in the Water Protection Division. The issues you have identified require additional follow up. It is our goal to adequately investigate your concern and provide you with a complete response within thirty (30) days of receipt of this letter.

We apologize for the delay and appreciate your patience. If you have questions in the interim, please feel free to contact Ms. Alenda Johnson at (404) 562-9761.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Giattina".

James D. Giattina
Director
Water Protection Division

cc: Trudy Fisher, Executive Director
Mississippi Department of Environmental Quality



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JUN 10

Mr. Austin D. Check
P.O. Box 3271
Meridian, Mississippi 39303

Dear Mr. Check:

Thank you for your April 16, 2009, letter concerning potential sources of contribution to the 303(d) listed water quality impairment of Sowashee Creek from the headwaters at the City of Meridian to Okatibbee Creek.

The Clean Water Act (the Act) gives the U.S. Environmental Protection Agency (EPA) the authority to regulate the discharge of pollutants to waters of the United States. The Act provides broadly defined authority to: establish the National Pollutant Discharge Elimination System (NPDES) Permits Program, define pollution control technologies, establish effluent limitations, obtain information through reporting and compliance inspections, and take enforcement actions when violations of the Act occur. Sections 308 and 402 of the Act provide for the transfer of the NPDES program to the state operated programs. The State of Mississippi Department of Environmental Quality (MDEQ) has been delegated the authority to operate the NPDES program, which includes enforcement of the Act.

The City of Meridian is the responsible party for maintaining its municipal sewer lines. In discussions with the State, EPA has learned that MDEQ is conducting an investigation of Meridian's municipal sewer system, and based on the results of the investigation, MDEQ will work with the City to resolve any identified issues related to the sewer problems. EPA will continue to monitor the situation to evaluate whether federal action is appropriate.


EPA has reviewed the information submitted relative to the Miller Cattle Company as another potential source of contribution to the water quality impairment of Sowashee Creek, and has had discussions with the State concerning this matter. As of February 11, 2008, an agreed order between MDEQ and Miller Cattle Company, Order No. 5359 08, has been in effect through which the Miller Cattle Company has agreed to keep all cattle under roof, thereby preventing stormwater from coming into contact with animal waste products. MDEQ is responsible for ensuring the facility is in compliance with this order. At this time, the State order appears to be an effective mechanism to prevent stormwater runoff from coming into contact with animal waste products, and EPA has not received any evidence indicating that the Miller Cattle Company is not in compliance with this order. MDEQ is also working with the Miller Cattle Company to

determine the best permitting mechanism to utilize which, when issued, will then replace the agreed order to continue in the prevention of any regulated runoff discharges.

Your letter also referenced a June 28, 2007, email (Subject: RE: Marion/Meridian Impasse Concerning Wastewater Treatment and Sowashee Creek TMDL Status) from Mr. Jimmy Kemp to Ms. Trudy Fisher, Executive Director, MDEQ with a courtesy copy sent to Mr. Jimmy Palmer, previous EPA Region 4 Administrator. Per your request, my staff was able to recover this document from our email system. Based on the information in this email, EPA staff will review the East Meridian publicly owned treatment works (POTW) permit (permit no. MS0055735) and the Meridian POTW permit (permit no. MS0020117) when they are available for reissuance in August 2009 and January 2010, respectively, to ensure the permit limits are in agreement with any modeling related to the biological impairment of Sowashee Creek.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Ms. Stacey Bouma at (404) 562-9392.

Sincerely,


A. Stanley Meiburg
Acting Regional Administrator

cc: Trudy Fisher, Executive Director
MDEQ

We hope the above information is helpful to you. If EPA may be of further assistance in this matter, please contact the Office of External Affairs at 404-562-8327.

Sincerely,

A. Stanley Meiburg
Acting Regional Administrator

Enclosures

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10/29/09

Wise

ASW 10/29/09